

REMARKS

The present amendment is submitted in response to the Office Action dated March 6, 2009, which set a three-month period for response, making this amendment due by June 6, 2009.

Claims 1-13 are pending in this application.

In the Office Action, the specification was objected to for various informalities. Claims 10-13 were rejected under 35 U.S.C. 101 on grounds the claims are directed to neither a method nor a system. Claims 1-13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 3-7, and 9-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,146,452 to Pekarske in view of U.S. Patent No. 4,701,630 to Annunziata et al. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pekarske in view of Annunziata and further in view of U.S. Patent No. 7,330,661 to Jackson et al. Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pekarske in view of Annunziata and further in view of U.S. Patent No. 7,013,328 to Monse et al.

In the present amendment, the specification was amended to add an abstract, to add standard section headings, and to delete reference to the claims.

Claim 10 was amended to stand in independent form by including the limitations of claim 1 relating to the communication system.

All of claims 1-13 were amended to address the formal rejections under Section 112, second paragraph.

Figs. 1 and 2 have been amended to show the connecting lines/wires that connect signal lines 9 to form separated networks.

Claim 1 has been amended to more clearly define the present invention over the cited combination of the Pekarske and Annunziata references. Specifically, claim 1 as amended now clarifies that the communication system is configured into various networks (11, 12) via at least one predetermined connection of a switchover unit (8) of at least one of the network nodes (1, 2, 3, 4, 5) to a switchover unit (8) of at least one further of the network nodes (1, 2, 3, 4, 5).

The Examiner states on page 6 of the Office Action that the primary reference to Pekarske shows in Fig. 6 that "the communication system can be configured into a first network having network nodes 122, 125 and second network having network nodes 128, 124", which he argues, shows the feature of original claim 1 that the communication system "can be configured into various networks via a suitable connection of the switchover units of the network nodes".

However, neither Fig. 6 of Pekarske nor any other part of this reference discloses the configuration of the system into at least one network by **connecting at least one switchover unit** of a respective network node to a **switchover unit** of a further network node AND that the networks configured in this manner have separate signal lines, as defined in amended claim 1.

The secondary reference to Annunziata likewise fails to show this specific configuration/formation of networks within a communication system.

Because the cited combination of references fails to disclose or suggest all of the features of amended claim 1, the rejection under Section 103 must be withdrawn. It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

The application in its amended state is therefore believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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